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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 MELINDA C. HANCZYC,

9 Plaintiff,

10 and

11 PROGRESSIVE MAX INSURANCE
12 COMPANY as Subrogee of MELINDA C.
13 HANCZYC,

14 Intervenor-Plaintiff,

15 vs.

16 UNITED STATES OF AMERICA,

Defendant.

No. C19-39 RSM

**STIPULATION AND AGREED
ORDER RE: INTERVENTION**

17 COMES NOW, Intervening Plaintiff Progressive Max Insurance Company as Subrogee of
18 Melinda C. Hanczyc (hereinafter "Intervening Plaintiff") and Plaintiff Melinda C. Hanczyc
19 (hereinafter "Plaintiff") and Defendant United States of America (hereinafter "Defendant"), by
20 and through their respective undersigned counsel of record, jointly submit this stipulation to allow
21 Intervening Plaintiff leave to intervene, and file their Complaint in Intervention in this case.
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24 **STIPULATION AND AGREED ORDER RE:
INTERVENTION - 1**

Law Offices of
James M. Kristof, P.S.
Island Corporate Center, Suite 360
7525 S.E. 24th Street
Mercer Island, WA 98040
Phone: 206-275-0770 Fax: 206-275-0880

1 **IT IS HEREBY STIPULATED AND AGREED**, between Plaintiff, Intervening
2 Plaintiff, and Defendant as follows:

3 A. Plaintiff commenced this action seeking damages against Defendant under the
4 Federal Tort Claims Act, 28 U.S.C. §§ 2671 for damages arising from a motor-vehicle collision
5 that occurred on January 21, 2016 between Plaintiff and Defendant.

6 B. Intervening Plaintiff was the insurer of Plaintiff, pursuant to a certain policy of
7 insurance, and Progressive is making this claim as a result of its subrogation rights and
8 contractual rights (including right of recovery, reimbursement, and/or and ratification) arising
9 from said policy of insurance and payments made pursuant thereto for property damages for the
10 benefit of Plaintiff.

11 C. As Subrogee of Plaintiff, Intervening Plaintiff claim an interest relating to the
12 property or transactions which are the subject of this action, and they are so situated that the
13 disposition of this action in their absence may impair or impede their ability to protect that
14 interest, within the meaning of Fed. R. Civ. P. Rule 24(a).

15 D. Since Intervening Plaintiff is entitled to bring its' claim for property damages
16 against Defendant, they must be joined pursuant to Fed. R. Civ. P. Rule 19(a) because, in their
17 absence, complete relief cannot be accorded among those already parties to the action.

18 E. The Intervening Plaintiff, Defendant, and Plaintiff agree and consent to the
19 Intervening Plaintiffs' filing of the Complaint in Intervention, filed contemporaneously, in this
20 action and to the Intervening Plaintiffs' participation in this action as permitted by Fed. R. Civ. P.
21 Rule 24(a).

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24 **STIPULATION AND AGREED ORDER RE:
INTERVENTION - 2**

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1 JAMES M. KRISTOF, P.S.

2 /s/James M. Kristof

3 James M. Kristof , WSBA #9317
4 Attorney for Intervening Plaintiff

5 UNITED STATES ATTORNEY’S OFFICE

PARK CHENAUR & ASSOC., INC., P.S.

6 /s/Heather Carney Costanzo

7 Heather Carney Costanzo, FL #37378
8 Attorney for Defendant

/s/Miklos Pusztai

Miklos “Mick” Pusztai, WSBA #32024
Attorney for Plaintiff

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24 **STIPULATION AND AGREED ORDER RE:
INTERVENTION - 3**

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ORDER

Pursuant to the above Stipulation by and through the parties hereto, it is hereby ORDERED that Intervening Plaintiff Progressive Max Insurance Company as Subrogee of Melinda C. Hanczyk is granted leave to intervene in this action pursuant to Rules 19(a) and 24(a) of the Federal Rules of Civil Procedure and may file their Complaint in Intervention.

DATED this 12th day of December 2019.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

JAMES M. KRISTOF, P.S.

/s/James M. Kristof
James M. Kristof, WSBA #9317
Attorney for Intervening Plaintiff

Copy received;
Notice of presentation waived:

UNITED STATES ATTORNEY'S OFFICE

PARK CHENAUR & ASSOC., INC., P.S.

/s/Heather Carney Costanzo
Heather Carney Costanzo, FL #37378
Attorney for Defendant

/s/Miklos Pusztai
Miklos "Mick" Pusztai, WSBA #32024
Attorney for Plaintiff

**STIPULATION AND AGREED ORDER RE:
INTERVENTION - 4**

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